

CIN-TEL CORPORATION

PH: 513-621-7723

FX: 513-263-9023

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AMERICAN ARBITRATION ASSOCIATION

- - -

In the Matter of)
Arbitration Between:)
)
Sofco Erectors, Inc.)
)
 Employer,)
)
 and) Case No.: 01-18-0001-3790
)
Ohio Operating Engineers)
Pension Fund,)
)
 Fund.

- - -

Deposition of Thomas P. Byers, a witness
herein, called by the Employer for cross-examination
pursuant to the Ohio Rules of Civil Procedure, taken
before Karen A. Toth, Notary Public in and for the
State of Ohio, at the offices of Fadel & Beyer, LLC,
Bridge Building, Suite 120, 18500 Lake Road, Rocky
River, Ohio, on Wednesday, September 26, 2018,
commencing at 10:10 a.m.

- - -

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1 APPEARANCES:

2 On behalf of the Employer:

3 Gary L. Greenberg, Esq.
4 Jackson Lewis, P.C.
425 Walnut Street
Suite 2300
5 Cincinnati, Ohio 45202

6 On behalf of Ohio Operating Engineers Pension Fund:

7 Allen S. Kinzer, Esq.
Vorys, Sater, Seymour & Pease, LLP
8 52 East Gay Street
PO Box 1008
9 Columbus, Ohio 43216

10 On behalf of International Union of Operating
Engineers and the witness:

11 Timothy R. Fadel, Esq.
12 Fadel & Beyer, LLC
Bridge Building
13 Suite 120
18500 Lake Road
14 Rocky River, Ohio 44116

15 Also present:

16 John Hesford

17 - - -

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1 INDEX

2 WITNESS: CROSS

3 Thomas P. Byers

4 by Mr. Greenberg 5

5 - - -

6

7 E X H I B I T S

8 Employer: Marked

9 A through DD premarked

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1 work to individuals who were not members of
2 Local 18?

3 A I don't know of any.

4 Q Let's look at Exhibit Q.

5 A I'm sorry. What tab would that be in?

6 Q Tab 13.

7 MR. GREENBERG: Let's take a restroom
8 break and let's go off the record.

9 (Short recess.)

10 By Mr. Greenberg:

11 Q Mr. Byers, I'd like you to take a look at Tab
12 13. So if you look at the numbers in the
13 bottom right corner you'll see that Tab 13
14 documents are numbered OOE154 through OOE163.
15 So these are documents that were produced by
16 the Pension Fund and they all apparently
17 relate to grievances filed by Local 18 or by
18 Local 18 members over the assignment of
19 forklift work to people who are not members of
20 Local 18. So I want to ask first if you know
21 how the Pension Fund came to acquire these
22 documents? Did they come from you or somebody
23 on your staff?

24 A I asked the district reps in Columbus and in

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1 District 4-5 Franklin to send me copies of
2 grievances that they had on file relating to
3 forklifts and Sofco. And I also researched
4 what I had at headquarters office in
5 Cleveland.

6 Q And this is what you came up with, these pages
7 here, 154 to 163, you and your staff?

8 A I think there is -- at first glance I think
9 that's it. I'm not sure if there were others
10 provided. I see you got some stuff back in
11 14. I'm sure we'll get there.

12 Q We will. And Tab 14, I'll just tell you that
13 Sofco produced its records, the grievances
14 over assignment of forklifts to operators
15 other than members of Local 18 and that's
16 behind Tab 14. We'll get to that in a few
17 minutes.

18 MR. FADEL: If I can just
19 clarify. You indicated that it's 154 to 163
20 is Exhibit Q. Actually Exhibit Q only runs
21 through --

22 MR. GREENBERG: That's right. It
23 starts with Q but I've divided these up into
24 the separate grievances, to the best of my

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1 understanding.

2 Q So let's start with Q. And Q is Bates number
3 154 through 156, so it's three pages. And it
4 appears to be a letter about a grievance
5 settlement back in 2013. Begins with the
6 letter to Mr. Dalton from a Stanley Brubaker.
7 And then the next page is a copy of a
8 grievance, and the page after that is a copy
9 of a check. Do you have any personal
10 knowledge of the matters referenced in Exhibit
11 Q?

12 A No.

13 Q All right. Let's turn to R. You might know a
14 bit more about this one since your name is on
15 the letter. So Exhibit R, that's Bates stamp
16 numbered 157 through 163. So let's start with
17 the first page of R. It is a letter to
18 Mr. Timothy R. Fadel at Wuliger, Fadel & Beyer
19 dated November 7, 2016. It is signed by
20 Thomas B. Byers. Can you identify that
21 document?

22 A Yes. That's a document that I used. When we
23 have a grievance settlement we started using
24 Mr. Fadel as a clearing house to help assist

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1 us in maintaining records about grievances.

2 Q So I'm going to assume that when you did
3 research on the past history of grievances
4 that you would have also asked Mr. Fadel to --

5 A (Nods head.)

6 Q You didn't ask him?

7 A I did not.

8 MR. GREENBERG: Well, as long as
9 we're sitting here I'll ask Mr. Fadel to find
10 any records that he has of grievances
11 involving Sofco.

12 MR. FADEL: Your request is duly
13 noted.

14 MR. GREENBERG: If we don't get
15 anything we'll assume that there isn't
16 anything there.

17 MR. FADEL: You should assume
18 nothing. And I'll put that on the record.
19 You should assume that my response or lack
20 thereof is indicative of nothing.

21 MR. GREENBERG: Okay.

22 MR. FADEL: And if you want to
23 subpoena information from me you're free to do
24 that.

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1 MR. GREENBERG: No, I think I'll
2 leave it up to Pension Fund counsel to decide
3 whether to pursue that further.

4 Q Okay. So the cover letter refers to the
5 enclosed information, and then there is some
6 pages after that that are numbered
7 consecutively. So let's start with the next
8 page. It's headed "Summary, Sofco Erectors,
9 grievance dated 7-12-16." Mr. Byers, do you
10 know who prepared this page?

11 A I do not. I can have my guess that it would
12 be handwritten by one of the business reps in
13 District 4-5 and submitted to my office. It
14 may have been typed by his district rep or it
15 may have been typed by him or the secretary,
16 but most of that information comes from the
17 district.

18 Q All right. So this is a document that's kept
19 in, you know, sort of the normal course of
20 your business?

21 A Yes.

22 Q I'd like you to look at the second entry for
23 July 11, 2016. So I'm going to read this out
24 loud. "Business Rep Jason Baker spoke with

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1 John Hesford with Sofco Erectors. John stated
2 that Sofco has assigned forklifts to
3 Ironworkers." I'm going to stop there. Do
4 you recall reading that in this summary at the
5 time?

6 A Not specifically.

7 Q But you don't dispute the fact that as of the
8 date that you received this summary, which
9 would have been sometime on or before November
10 7, 2016, that you knew that Sofco was
11 assigning forklift work to ironworkers?

12 A Based upon this I can tell you that I see
13 right here that they have assigned forklifts
14 to ironworkers because I'm reading it on this
15 paper. I don't know that I've been notified
16 that they're solely assigning it. It says
17 they have assigned forklifts.

18 Q Okay. Let's turn to Tab 14. So as I
19 explained a few minutes ago, Tab 14 includes
20 all of the documents that Sofco produced to
21 the Fund that relate to grievances in the
22 company's records involving assignment of work
23 to forklift operators. I'm going to start
24 with Exhibit S. And Exhibit S is a grievance

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1 form. There is a reference to a steward
2 Justin Gabbard. So Justin Gabbard is an
3 employee of Local 18, correct?

4 A You're saying -- yeah, he's a business rep, if
5 you're talking about Exhibit S.

6 Q Yes, I'm talking about Exhibit S.

7 A Yes, he's the business representative.

8 Q In District 4-5?

9 A Yes.

10 Q So now I'm going to ask you to turn all the
11 way back to Exhibit D.

12 A Do you have the tab number?

13 Q That is Tab 2. And it is the last few pages
14 of Tab 2. Well, no, I'm sorry, it's not the
15 last few pages.

16 MR. FADEL: It's 00193.

17 MR. GREENBERG: Thank you.

18 Q All right. So the second entry on Exhibit D,
19 first page refers to an ironworker running a
20 RT forklift on Aero Parkway, Florence,
21 Kentucky. Did you see that it says that on
22 3-13-2017.

23 A Uh-huh.

24 Q And then you turn all the way back to Tab 14

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1 and you see a grievance form that's dated
2 3-15-2017, and it appears to be a reference to
3 the same matter. Do you agree with that?

4 A Yes.

5 Q Do you have any personal knowledge as to how
6 this matter was handled and how it was
7 resolved?

8 A Yes, I believe I do.

9 Q Okay. Tell me what you recall.

10 A Personal knowledge or based on what I see on
11 the paper right here?

12 Q Well, both.

13 A Okay. Well, down at the bottom, about half of
14 it is obscured at the bottom where it's
15 handwritten, but if you look at the last
16 sentence, which is kind of in the middle of
17 the bottom line, it looks like it says
18 "Company agreed to put a company operator on
19 forklift until" something. And then it looks
20 like that might be Mr. Hesford's signature
21 next to that there.

22 Q All right. And again, in addition to what you
23 just read or summarized, do you have any other
24 recollection about how this matter was

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1 handled?

2 A No.

3 Q All right. Now, I'd like you to look at
4 Exhibit T. That's the next page. And Exhibit
5 T is a letter dated February 9, 2017 to
6 Mr. Richard Hobbs. It's a request for a Step
7 2A grievance hearing, and it appears to be
8 signed by Thomas P. Byers. Do you have any
9 recollection of what this matter was about?

10 A There is an agreement but the district didn't
11 reach a resolution with the Employer and
12 following the grievance procedure the next
13 step if we can't agree at Step 2 is when the
14 business rep, district rep and the Employer
15 meet to try to come up with a resolution.
16 There was no resolution forthcoming so the
17 next step is 2A of the grievance procedure
18 which is that I will meet with someone from
19 the AGC, in this case Mr. Hobbs, and have some
20 discussions about the grievance.

21 Q So let me step back a second and ask you about
22 the Step 2 meeting. Did you attend that
23 meeting?

24 A The Step 2 meeting?

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1 Q The one that involves this matter?

2 A That's Step 2A.

3 Q I'm sorry. The one before Step 2A?

4 A The one before Step 2A I did not attend.

5 Q Do you know who did?

6 A We can go back and look on the form on the
7 prior page and see if it tells me.

8 Q I think that's a different matter because the
9 prior page, it's dated 3-15-2017.

10 A Okay. So we need to find the grievance form
11 that was sent along with this letter, because
12 I assume it was part of the document that was
13 provided because the Bates number at the
14 bottom of this one is different from the Bates
15 number -- you know, there is two Bates numbers
16 on the next one so it looks like we've got
17 enclosed is a grievance. I would have
18 enclosed the grievance with the letter.

19 Q Okay. I believe I might have separated
20 documents that should have been combined into
21 a single exhibit, but that's okay. So let's
22 look at the next page which we've marked as
23 Exhibit U. And then there are a couple of
24 pages after that including the grievance form.

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1 So let's take a look at Sofco 1176. That's
2 the grievance.

3 So when we look at the grievance form
4 you'll see that it's dated 1-26-2017. I'm
5 going to read the statement of facts out loud.

6 "Sofco Erectors, Inc. has assigned someone
7 other than an operating engineer on two
8 forklifts beginning on January 24, 2017, at
9 the hotel project on Hetzel Street,
10 Cincinnati." And you'll see it's signed by
11 Justin Gabbard. Do you recognize his
12 signature?

13 A Yes.

14 Q And he was a business representative for Local
15 18 at that time?

16 A Yes.

17 Q And do you have any recollection of what this
18 grievance was about and how it was handled?

19 A Well, it appears that it was about there was
20 -- someone other than an operator was assigned
21 to two forklifts on a project and Mr. Gabbard
22 filed a grievance because someone other than
23 an operator was assigned. That's what it's
24 about.

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1 Q Let's look at the next page. Perhaps this
2 will refresh your recollection.

3 And I do realize now that these were
4 produced by both Sofco and the Fund so there
5 are actually a few pages in Tab 18 that were
6 produced by Local 18 and produced by the Fund
7 and we produced them as well.

8 So looking at the document that is
9 numbered 00E142 and Sofco 1177, you'll see at
10 the top it says "from." And I'm not sure I
11 can read that. It says, "Produced by Operator
12 718. And it's a summary, Sofco Erectors,
13 Inc., 1-24-2017. Do you recognize this
14 document?

15 A I recognize that there is writing on it that
16 wasn't on there when it was provided.

17 MR. FADEL: I think that's your
18 clients's writing.

19 MR. HESFORD: That's is my
20 handwriting.

21 A The bottom is mine.

22 MR. HESFORD: It's just, yeah, we
23 were trying to sort out --

24 A This was probably provided from Al, I would

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1 assume, to you guys. That's where this
2 document comes from.

3 Q Yes.

4 A So you provided our document back to us.

5 Q Looks that way. So you can identify this as a
6 document that came from your file, other than
7 the handwritten notes at the very top,
8 correct?

9 A I'm reading here. Give me just a few minutes
10 if you would. Yes.

11 Q All right. So let's talk about what we have
12 here. And I'll start with the reference to
13 two forklifts being operated by someone other
14 than an operating engineer. To your knowledge
15 were these forklifts being operated by members
16 of the Ironworkers Union or individuals who
17 were not members of the Ironworker Union or do
18 you know one way or the other?

19 A I do not know.

20 Q So when I read through this summary and I go
21 all the way to the bottom, it appears that
22 this matter was not resolved with the company,
23 correct?

24 A That's correct.

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1 Q Okay. And when we turn back -- now, let's
2 turn back to Exhibit T, which is your letter
3 to Hobbs. Exhibit T refers to the grievance
4 that is included and described in Exhibit U;
5 correct?

6 A You're throwing me off on all the letters
7 here.

8 Q I'm sorry.

9 A Are you talking Exhibit U now?

10 Q I want you to look at Exhibit T.

11 A Yes.

12 Q And you'll see the first sentence in your
13 letter to Mr. Hobbs says, "Enclosed is a
14 grievance filed by Middletown Business
15 Representative Justine Gabbard," et cetera.
16 Does that refer to the grievance that is
17 included in Exhibit U? I'm going to refer to
18 it as the Hetzel Street grievance.

19 A Yeah, you're throwing me off because of the
20 differing numbers on it. That's all.

21 Q I understand.

22 A Yes, it looks like, based upon the February 8
23 letter in Exhibit U, Mr. Jeff Powell, district
24 representative, sent that along with the

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BEFORE THE AMERICAN ARBITRATION ASSOCIATION

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Case No. 01-18-0001-3790

--|--

Sofco Erectors, Inc.,

Employer,

and

Ohio Operating Engineers Pension Fund,

Fund.

--|--

Deposition of: THOMAS P. BYERS
Volume II

Date and Time: Friday, November 2, 2018
1:10 p.m.

Place: Vorys, Sater, Seymour &
Pease, LLP
52 East Gay Street
Columbus, Ohio

Reporter: Maria DiPaolo Jones, RDR, CRR
Notary Public - State of Ohio

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<p style="text-align: right;">Page 133</p> <p>1 jurisdictional documents and had things related to</p> <p>2 the joint board of jurisdictional disputes that you</p> <p>3 had questioned me about at deposition and looked in</p> <p>4 there.</p> <p>5 Q. And what else was in that drawer that</p> <p>6 relates to jurisdiction? What other papers were in</p> <p>7 there?</p> <p>8 A. Well, there was probably another hundred</p> <p>9 documents in there.</p> <p>10 Q. And can you give me just a general idea of</p> <p>11 the subject matters covered by these hundred pages of</p> <p>12 documents?</p> <p>13 A. Similar letters to these from and to other</p> <p>14 trade unions.</p> <p>15 Q. Was there anything else in that drawer</p> <p>16 relating to jurisdictional agreements or</p> <p>17 jurisdictional disputes between Operating Engineers</p> <p>18 and Ironworkers other than Exhibits EE, FF, and GG?</p> <p>19 Anything else?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. All right. Let's take a closer look at</p> <p>22 Exhibit EE. So first just a very basic question. I</p> <p>23 see that Exhibit EE purports to be an agreement</p> <p>24 between an entity called International Union of</p>	<p style="text-align: right;">Page 135</p> <p>1 report any of my actions to the international.</p> <p>2 Q. So let's take, for example, your Local 18</p> <p>3 contract with the Associated General Contractors of</p> <p>4 Ohio, and so when Local 18 enters into negotiations</p> <p>5 with the AGC of Ohio, are you -- is your organization</p> <p>6 in control of those negotiations from the union side,</p> <p>7 or do you have to submit to the wishes of the</p> <p>8 international in terms of those negotiations? Who's</p> <p>9 making the decisions at the bargaining table, Local</p> <p>10 18 or the international?</p> <p>11 A. I would say that it is Local 18. I think</p> <p>12 if we got too far sideways from our charter, our</p> <p>13 international would want to have an explanation of</p> <p>14 it.</p> <p>15 Q. But as far as who's sitting at the</p> <p>16 bargaining table with the AGC of Ohio, it's Local 18,</p> <p>17 not the international, correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Do you hold any officer position with the</p> <p>20 international?</p> <p>21 A. No.</p> <p>22 Q. Have you ever?</p> <p>23 A. I served on a committee at our</p> <p>24 international convention last year.</p>
<p style="text-align: right;">Page 134</p> <p>1 Operating Engineers and another entity called</p> <p>2 International Association of Bridge, Structural and</p> <p>3 Ornamental Iron Workers. What is the relationship</p> <p>4 between your organization, I'm going to call it</p> <p>5 "Local 18," and the entity that is referenced here,</p> <p>6 International Union of Operating Engineers?</p> <p>7 A. Local 18 is an affiliate local of the</p> <p>8 International Union of Operating Engineers.</p> <p>9 Q. So can you explain a little bit more about</p> <p>10 what it means to be an affiliate? What is the legal</p> <p>11 relationship between Local 18 and the International</p> <p>12 Union of Operating Engineers? Do you have bosses at</p> <p>13 the International Union of Operating Engineers? I</p> <p>14 mean, is there somebody there that you report to, or</p> <p>15 is it more like a relationship of equals? Or explain</p> <p>16 to me, what's the reporting relationship between</p> <p>17 Local 18 and the international?</p> <p>18 MR. KINZER: I'm going to object to the</p> <p>19 extent that your question, can he provide a legal</p> <p>20 opinion, you asked for the legal relationship.</p> <p>21 MR. GREENBERG: Well, yes.</p> <p>22 Q. But your understanding of the</p> <p>23 relationship.</p> <p>24 A. On a day-to-day basis I don't have to</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. And what was that committee?</p> <p>2 A. It was a -- I'm trying to give you the</p> <p>3 proper name of it -- a officers' reports committee.</p> <p>4 Q. Is that the only role you've played with</p> <p>5 the international?</p> <p>6 A. Yes.</p> <p>7 Q. What position at the international is the</p> <p>8 chief executive? Is it the general president, or is</p> <p>9 there a different position that actually is the</p> <p>10 highest level officer at the international?</p> <p>11 A. I think the general president would be</p> <p>12 considered like a CEO, but there is a general</p> <p>13 executive board that guides.</p> <p>14 Q. That's like the board of directors?</p> <p>15 A. Sure.</p> <p>16 Q. And the general president is the chief</p> <p>17 executive officer?</p> <p>18 A. Yes.</p> <p>19 Q. And, as far as you know, that's always</p> <p>20 been true?</p> <p>21 A. As far as I know.</p> <p>22 Q. So this document that's been marked as</p> <p>23 Exhibit EE, if we look at the last page, we'll see</p> <p>24 that there's a date on there, August 19, 1970. And</p>

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<p style="text-align: right;">Page 137</p> <p>1 of course you were not involved with Local 18 at that 2 point in time, correct? 3 A. I wasn't born by August 19th of 1970. 4 Q. I'm feeling old. 5 Again, looking at this last page, 567, 6 that's the control number in the bottom right-hand 7 corner, I notice that under the heading for the 8 signature lines International Union of Operating 9 Engineers, I see the name Hunter P. Wharton, General 10 President. As far as you know, he was the general 11 president of the International Union of Operating 12 Engineers in August of 1970? To the best of your 13 knowledge. 14 A. My knowledge consists of what's on this 15 piece of paper in front of me about whether 16 Mr. Wharton was the general president, and I have to 17 assume by the fact that his name is on the bottom of 18 the documents he was. 19 Q. Do you have any other copies of this 20 document that would actually have his signature on 21 it? 22 A. I do not. 23 Q. So do you have any knowledge as to whether 24 this document actually could have been effected</p>	<p style="text-align: right;">Page 139</p> <p>1 at the top, and there's a heading above these 2 sentences that reads Roman numeral I - Forklifts. So 3 I'm going to read those two sentences out loud. "The 4 operation of forklifts shall be the work of Operating 5 Engineers. Rigging in connection with the forklifts 6 shall be the work of the Iron Workers." 7 So based on your knowledge of what goes on 8 on construction sites what's your interpretation of 9 that second sentence? What is meant -- let me 10 rephrase that. 11 What's your understanding of the phrase 12 "Rigging in connection with the forklifts"? 13 A. That would be taking rigging materials and 14 putting them around whatever the load would be or 15 attaching them to the load and then attaching them to 16 a lift point on the forklift. 17 Q. Anything else? 18 A. No, I think that would encompass my 19 understanding of it. 20 Q. All right. Let's take a look at Exhibit 21 FF. So this is a letter dated July 6, 1990, and on 22 the second page it looks like there's a signature by 23 a Frank Hanley, General President. Are you familiar 24 with Mr. Hanley?</p>
<p style="text-align: right;">Page 138</p> <p>1 without the general president's signature? 2 MR. FADEL: I'm going to object. Go ahead 3 and answer. 4 Q. Do you know one way or the other? 5 A. I'm going to assume that a document like 6 this was probably circulated amongst all the parties 7 and I have a document that wasn't signed by the two 8 folks that probably resided in Washington, DC. 9 Q. But you have no personal knowledge one way 10 or the other as to whether it was ever signed by 11 Mr. Wharton, correct? 12 A. I do not. 13 Q. To your knowledge, was this document, and 14 again we're looking at Exhibit EE, to your knowledge, 15 was this document ever provided to Sofco? 16 A. Not to my knowledge. 17 Q. To your knowledge, was this document ever 18 provided to the Associated General Contractors of 19 Ohio? 20 A. Not that I'm aware of. 21 Q. I'd like you to turn to page 2 of this 22 document, and this is the one that has the control 23 number 563 in the bottom right-hand corner, and I'm 24 going to ask you to look at the first two sentences</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Vaguely. 2 Q. Do you have any knowledge or recollection 3 as to when his term as general president ended? 4 A. I do not. 5 Q. And I'm going to assume, based on an 6 earlier answer about your date of birth, that as of 7 July 6, 1990, you were not employed by the Operating 8 Engineers Local 18 at that time. 9 A. No. 10 Q. Am I correct about that? 11 A. You are correct. 12 Q. So other than the fact that you found 13 Exhibits EE and FF in a drawer in your office do you 14 have any evidence that Exhibit EE is a true and 15 correct -- a true and accurate copy of a 16 jurisdictional agreement between the International 17 Union of Operating Engineers and the International 18 Association of Bridge, Structural and Ornamental Iron 19 Workers? 20 MR. FADEL: Objection. You can answer. 21 A. I'm not a document expert. I couldn't 22 tell you one way or the other if that's a true and 23 accurate copy of it. 24 Q. Looking at Exhibit FF, I'm going to read</p>

5 (Pages 137 to 140)



International Union of Operating Engineers

LOCAL 18 AND ITS BRANCHES • SERVING THE FORMER DISTRICT 4 AND 5 OFFICES

8401 CLAUDE THOMAS ROAD STE. 21A • FRANKLIN, OH 45005-1476

(937) 806-0406

FAX: (937) 806-0408

Office of
District No. 4/5

October 23, 2013

Mr. Richard Dalton, President
I.U.O.E. Local 18 Headquarters
3515 Prospect Avenue
Cleveland OH 44115-2619

RE: Grievance Dated 6/25/13

Dear Sir and Brother,

The grievance dated 6/25/13 with Sofco Erectors Inc. over not abiding by the terms and conditions of the AGC of Ohio Building Agreement, May 8, 2013 through April 30, 2017, Article II, para. 22, as it relates to fork lifts. The company agreed to pay twenty (20) hours wages and fringes to the first qualified registered applicant.

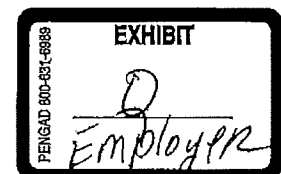
We consider the grievance closed.

If you have any questions, please feel free to call.

Fraternaly yours,

Stanley E. Brubaker
Business Representative

/db



OOE-000154

Fax from :

10-10-13 08:12a Pg: 1

GRIEVANCE FORMNAME OF STEWARD OR
BUSINESS REPRESENTATIVE STANLEY BRUBAKERCONTRACTOR SOFCO ERECTORS INC.

MEMBER'S NAME _____

MEMBER'S ADDRESS _____

DATE 6/25/13LOCATION OF JOB MIAMI UNIVERSITY

MEMBER'S HOME PHONE INCLUDING

AREA CODE _____

AGENT COVERING JOB STANLEY BRUBAKERDISTRICT NO. 4STATEMENT OF FACTS BREACH OF CONTRACT, SOFCO ERECTORS INC. IS NOT ABIDING BY THE TERMS AND CONDITIONS OF THEAGC OF OHIO BUILDING AGREEMENT, MAY 8, 2013 THROUGH APRIL 30, 2017, ARTICLE II PARA. 22 AS IT RELATES TO
FORKLIFTS.RESOLUTION: COMPANY TO PLACE WORK ORDER AND PAY THE FIRST QUALIFIED REGISTERED APPLICANT FROM THE REFERRAL ALLAPPLICABLE WAGES AND FRINGE BENEFITS FROM THE FIRST DAY OF VIOLATION.WHICH AGREEMENT HERE AFFECTED AGC OHIO BUILDING AGREEMENT(Highway, Sewer, Building, Pipeline, etc.)WHICH ARTICLE OF AGREEMENT AFFECTED ARTICLE II, PARA. 22
Signature of Steward or Business Representative

Signature of Member

DISPOSITION AND DATE STEP 1: ON 6/24/13 B.A. STAN BRUBAKER SPOKE WITH FOREMAN PETE LEONARD; NO RESOLUTION.DISPOSITION AND DATE STEP 2: ON 6/25/13 WROTE UP GRIEVANCE AND FAX TO COMPANY.10-11-13 Company of 14 to place work order and pay first qualified applicant for the extend 20 hour wage
and fringe to settle grievance.
ALLEN 10 89
Form No. 2

SOFCO ERECTORS, INC.
WOODLAWN, OHIO 45215

413442

HOURS		RATE	EARNINGS		BASIS	OTHER PAY		DESCRIPTION	PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME		RATE	AMOUNT		
20.00		31.44	628.80		2.00			SAFETY	10/14/13 to 10/20/13
									No. 413442
									TOTAL PAY
									628.80

DEDUCTIONS THIS PERIOD

FWH	56.89	MED	9.12	SOC	38.99	OHSWH	14.33	DUES &	18.86	TOTAL DEDUCTIONS
										138.19

EMPLOYEE INFORMATION		YEAR-TO-DATE TOTALS				NET PAY
RANDY A. HURSELL		GROSS	628.80	FICA	48.11	KY .00
XXX-XX-2260	HURSR	FWH	56.89	OHIO	14.33	IN .00
						490.61

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS.

THIS CHECK IS VOID IF MICRO PRINT SIGNATURE LINE IS UNREADABLE UNDER MAGNIFICATION.

SOFCO ERECTORS, INC.

10360 WAYNE AVENUE
CINCINNATI, OHIO 45215
TELEPHONE (513) 771-1800

NORTH SIDE BANK AND TRUST

13-55/420

413442

PAYROLL
CHECKMICRO PRINT
SIGNATURE LINE

Pay:

*****Four hundred ninety dollars and 61 cents

DATE	CHECK NO.	AMOUNT
10/23/2013	413442	\$*****490.61**

PAY
TO THE
ORDER
OFRANDY A. HURSELL
5006 DENISON DR
FAIRFIELD, OH 45014

VOID IF NOT CASHED WITHIN 90 DAYS


SOFCO ERECTORS, INC.

THE FACE OF THIS CHECK HAS A SECURITY VOID BACKGROUND PATTERN - DO NOT CASH IF THE WORD VOID IS VISIBLE.

⑈413442⑈ ⑈042000550⑈

20014506⑈

Randy Hurd

10-23-13



★
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International Union of Operating Engineers

LOCAL 18 AND ITS BRANCHES • SERVING OHIO

THIRTY-FIVE FIFTEEN PROSPECT AVENUE • CLEVELAND, OHIO 44115-2648

(216) 432-3138

FAX: (216) 432-0370

★
★
Thomas P. Byers
President

November 7, 2016

Mr. Timothy R. Fadel
Wuliger, Fadel & Beyer
The Brownell Building
1340 Sumner Court
Cleveland, Ohio 44115-2851

IN RE: SOFCO ERECTORS GRIEVANCE SETTLEMENT

Dear Mr. Fadel:

The enclosed information, in regards to the above captioned matter, is for your files and information.

Sincerely yours,

Thomas P. Byers
President

TPB/pjn
Enclosure(s)



OOE-000157

From:

10/31/2016 10:42

#132 P.002/007

Summary
Sofco Erectors
Grievance Dated 7/12/16

July 11, 2016

Business Rep. Jason Baker made a job site visit to Sofco Erectors on Byers Rd., in Miamisburg, Ohio. Observed someone other than an operator performing forklift work on the project. Business Rep. Jason Baker spoke with foreman Scott Robkin. No resolution at this time.

July 11, 2016

Business Rep. Jason Baker spoke with John Hesford with Sofco Erectors. John Stated that Sofco has assigned forklifts to Ironworkers. He also stated that not just anybody could run a forklift and not tear it up.

July 12, 2016

Faxed grievance to company.

July 22, 2016

Step 2 meeting with District Representative Gary Marsh, Business Representative Jason Baker, and John Hesford with Sofco Erectors. No resolution at this time.

August 10, 2016

District Representative Gary Marsh met with John Hesford. Company agrees to place work order and hire first two (2) qualified 1st year apprentices from the District 4/5 referral and pay each a minimum of 24 hours to settle grievance.

September 9, 2016

Mike House with Sofco Erectors placed 1 work order for 1 apprentice.

September 15, 2016

Brittany Winkler received her pay check at her residence.

October 21, 2016

John Hesford with Sofco Erectors placed one (1) work order for 1st year apprentice.

October 28, 2016

Kimberly Russell signed for her check at District 4/5 office.

OOE-000158

10/31/2016 10:42

#132 P.003/007

From:

GRIEVANCE FORM

NAME OF STEWARD OR BUSINESS REPRESENTATIVE Jason Baker

DATE 7/12/2018

CONTRACTOR Sofco Erectors

LOCATION OF JOB Byers Road, Mansfield, OH

MEMBER'S NAME _____

MEMBER'S HOME PHONE INCLUDING AREA CODE _____

MEMBER'S ADDRESS _____

AGENT COVERING JOB Jason Baker

DISTRICT NO. 4/5

STATEMENT OF FACTS: Sofco Erectors has assigned someone other than an operating engineer on forklifts beginning on 7-11-18 at Byers Road, in Mansfield, Ohio.

RESOLUTION SOUGHT: The employer's penalty shall be to pay the first two qualified registered applicants in the District 4/5 referral the applicable wages and fringe benefits from the first day of violation until project completion.

WHICH AGREEMENT WERE AFFECTED 2013 - 2017 AGC of Ohio Building Agreement

Signature of Steward or Business Representative

WHICH ARTICLE OF AGREEMENT AFFECTED Article II, Para. 22
Exhibit A Zone III Group C

Signature of Member

DISPOSITION & DATE STEP 1: Business Rep. Jason Baker met with foreman Scott Roblin on 7-11-18. No resolution.

Business Rep. Jason Baker spoke with John Hesford. No resolution.

DISPOSITION & DATE STEP 2: On July 22, 2016, District Representative Gary Marsh and Business Representative Jason Baker met with John Hesford with no resolution. On August 10, 2016 District Representative Gary Marsh met with John Hesford. Company agrees to place work order and hire the first two qualified 1st year apprentices from the referral and pay each a minimum of 24 hours to settle grievance.

Page No 2

Agreed:

By Union

Agreed:

By Company

19: 2/2

RR-60-16 05:05P
RR-60-16 05:05P

Fax From : 513 771 5998

00E-000159

From:

10/31/2016 10:43

#132 P.004/007

WARREN CTY

ORDER

SEP 9 16 2145PM

Contractor SOFCO ERECTORS

Location of Job MAIN ST. LEBANON, OHIO

Date: Report MON 9/12/16

Time 7:30A M

Make of Machine FORKLIFT

Type of Work _____

Operator 1ST YR APPRENTICE

FORK CERT

Brittany Winkler 9.7.16 11:18

SEP 9 16 3141PM

ATLEAST 24 HOURS

GRIEVANCE SETTLEMENT

Order Given By MIKE HOUSE

Telephone No. 513-383-7796

Date 9-9-16

Time 2:41

Pct G MARSH

Form No. 21

OOE-000160

From:

10/31/2016 10:48 #132 P.005/007

Fax from : 513 771 5498

09-26-16 01:47p Pg: 2

EMPLOYEE WINKB BRITTANY K. WINKLER

***-**-5660 Check 309591 09/15/16

Dates: 09/12/16-09/18/16

Reg/Earnings	Current	YTD Deduction	Current	Ytd Deduction	Current	YTD	
Reg Hrs	24.00	24.00 FIT	45.99	45.99 FRINGES			
		FICA	37.27	37.27 AGC FEE	3.60	3.60	
REG	487.20	487.20 OH	9.84	9.84 APPR & TRN	18.00	18.00	
		LEBANON	4.87	4.87 EDUC & SAF	2.16	2.16	
	Hours	Pay Rate	PEP Local	2.40	2.40 H&W	183.84	183.84
REG	24.00	20.30 UNION DUES	14.62	14.62 IAP AGC	4.80	4.80	
				PENSION	144.00	144.00	

	Current	YTD	TOT DED	114.99	114.99
GROSS \$	487.20	487.20	NET PAY	372.21	372.21
CURRENT PAY	487.20				

309591

Copy of Check - VOID VOID

09/15/16

V O I D

BRITTANY K. WINKLER
601 PINTA AVE
MIDDLETOWN, OH 45044

WINKB - BRITTANY K. WINKLER

	<----- Regular ----->			<----- Overtime ----->		
	Hours	Rate	Earnings	Hours	Rate	Earnings
Hourly Wage	24.00	20.30	487.20	0.00	30.45	

OOE-000161

From:

10/31/2016 10:44

#132 P.007/007

SOFCO ERECTORS, INC.

43305

EMPLOYEE RUSSK KIMBERLY S. RUSSEL

***--9741 Check 43305 10/27/16

Dates: 10/24/16-10/30/16

Hrs/Earnings	Current	YTD Deduction	Current	Ytd Deduction	Current	YTD	
Reg Hrs	24.00	24.00 FIT	34.31	34.31 FRINGES			
		FICA	37.27	37.27 AGC FEE	3.60	3.60	
REG	487.20	487.20 OH	9.43	9.43 APPR & TRN	18.00	18.00	
		FLORENCE	9.74	9.74 EDUC & SAF	2.16	2.16	
	Hours	Pay Rate	PEP Local	2.40	2.40 H&W	183.84	183.84
REG	24.00	20.30 UNION DUES	14.62	14.62 IAP/AGC	4.80	4.80	
				PENSION	144.00	144.00	

	Current	YTD	TOT DED	107.77	107.77
GROSS \$	487.20	487.20	NET PAY	379.43	379.43
CURRENT PAY	487.20				



SOFCO ERECTORS, INC.
10360 WAYNE AVENUE
CINCINNATI, OH 45215
513-771-1800

NORTH SIDE BANK & TRUST
4125 HAMILTON AVENUE
CINCINNATI, OH 45223
13-55420

43305

CHECK NO.

43305

DATE

AMOUNT

*****THREE HUNDRED SEVENTY NINE DOLLARS AND 43 CENTS*****

10/27/16

*****379.43

PAY
TO THE
ORDER
OF

KIMBERLY S. RUSSEL
737 GRAY OAK DR
TROTWOOD, OH 45426

SOFCO ERECTORS, INC.
VOID AFTER 60 DAYS

Carolene Riley
AUTHORIZED SIGNATURE



⑈043305⑈ ⑆042000550⑆

20051817⑈

SOFCO ERECTORS, INC.

43305

RUSSK - KIMBERLY S. RUSSEL

	<----- Regular ----->			<----- Overtime ----->		
	Hours	Rate	Earnings	Hours	Rate	Earnings
Hourly Wage	24.00	20.30	487.20	0.00	30.45	

COPY

SIGNATURE:

DATE:

Kimberly Russell 10-28-16

OOE-000162

From:

10/31/2016 10:43

#132 P.006/007

*Boone
Cris***ORDER**

OCT 21 16 11:37 AM

Contractor SOFCO ERECTORSLocation of Job 7 HILLS CHURCH6800 HAZEL CT. FLORENCE KYDate: Report WED 10/26/16 Time 7:00A MMake of Machine FORKLIFT

Type of Work _____

Operator 1ST YR APPRENTICE*Kimberly Russell 10.12.16 2:30*DARRELL SALEE 513-200-3690GRIEVANCE SETTLEMENT

OCT 24 16 9:25 AM

Order Given By JOHNTelephone No. 513-615-5092Date 10-21-16 Time 11:37 Per _____

Form No. 21

BOSTON

OOE-000163

2-90

DATE 3/15/2017

LOCATION OF JOB Aero Parkway, Florence KY

MEMBERS HOME PHONE INCLUDING

AREA CODE 937-806-0406

AGENT COVERING JOB Justin Gabbard

DISTRICT NO. 4/5

STATEMENT OF FACTS: Sofco Erectors, Inc has assigned someone other than an Operating Engineer on a Rough Terrain Forklift. Beginning on 03/13/2017 at the Aero Parkway in Florence, KY.

RESOLUTION SOUGHT: To pay the first qualified registered applicant in the District 4/5 referral the applicable wages, and fringe benefits from the first day of violation, until project completion.

WHICH AGREEMENT HERE AFFECTED
(Highway, Sewer, Building, Pipeline, Etc.)

Justin Gushard
Signature of Steward or Business Representative

WHICH ARTICLE OF AGREEMENT AFFECTED ARTICLE II, PARA. 22
SCHEDULE II, CLASS C

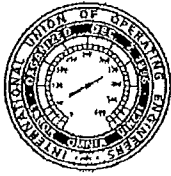
Signature of Member

DISPOSITION & DATE STEP 1: Business Representative Justin Gabbard met with foreman Pete Leonard on 3/13/17. No resolution.

2. Business Representative Justin Gabbard spoke with company representative John Hesford on 3/14/17. No resolution.

3. ON 3-16-17 Business Representative Justin Gabbard spoke with company representative John Hesford at 6:52am and stated he would return to office to meet at 3:30pm Business Representative Justin Gabbard and District Representative Jeff Thompson ~~arrived~~ ^{did not} return to office to meet John Hesford. Did not return to Office during Representative Justin Gabbard and District Representative Jeff Thompson called and left messages, no return calls. Fax envelope to company, NO resolution.

4. District Representative Jeff Powell met with company rep John Hesford. Company agreed to pay bonding on ~~Feb 21st~~ ^{Feb 21st} until 5:00pm ~~arrived~~ ^{did not} meet with company rep John Hesford. Company agreed to pay bonding on ~~Feb 21st~~ ^{Feb 21st} until 5:00pm.



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International Union of Operating Engineers

LOCAL 18 AND ITS BRANCHES • SERVING OHIO

THIRTY-FIVE FIFTEEN PROSPECT AVENUE • CLEVELAND, OHIO 44115-2648

(216) 432-3138

FAX: (216) 432-0370

★
★
Thomas P. Byers
President

February 9, 2017

via email rjh@agcOhio.com and U. S. Mail

Mr. Richard Hobbs
Executive Vice President
Labor Relations Division
AGC of Ohio
1755 Northwest Boulevard
Columbus, Ohio 43212

RE: REQUEST FOR STEP 2A GRIEVANCE HEARING

Dear Mr. Hobbs:

Enclosed is a grievance filed by Middletown Business Representative Justin Gabbard against *Sofco Erectors, Inc. ("Sofco")* who is in violation of Article II, paragraph 22, Schedule III, Group C of the 2013 – 2017 AGC of Ohio Building Agreement.

I am requesting that you contact me within five days from the date of this letter to schedule Step 2A of the grievance procedure to address the issue that Sofco assigned someone other than an operating engineer to operate two forklifts at the hotel project on Hetzel Street in Cincinnati, Ohio.

Should you have any questions, please do not hesitate to contact me.

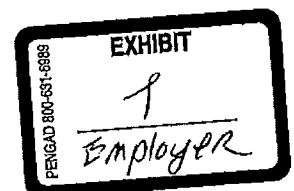
Sincerely,

Thomas P. Byers
President

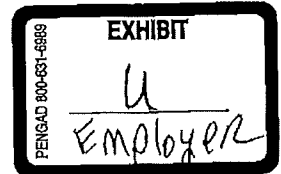
TPB/pjn

Enclosure(s)

C: Mr. Richard B. Dalton, Business Manager
Mr. Jefferson Powell, District Representative
Mr. Justin Gabbard, Business Representative



SOF0001174



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International Union of Operating Engineers

LOCAL 18 AND ITS BRANCHES • SERVING THE FORMER DISTRICT 4 AND 5 OFFICES

8860 TOWNE BLVD. • FRANKLIN, OH 45005-5593

(937) 806-0406

FAX: (937) 806-0408

Office of
District No. 4/5

★
★

February 8, 2017

Mr. Thomas Byers, President
I.U.O.E. Local 18 Headquarters
3515 Prospect Avenue
Cleveland OH 44115-2619

RE: Sofco Erectors

Dear Sir and Brother,

We have not been able to reach a resolution regarding the Sofco Erectors grievance dated 01/24/2017 therefore I am recommending the grievance be referred to Step 2a.

Thank you for your consideration. If you need further information, please do not hesitate to call.

Fraternally,

Jeff Powell
District Representative

/mm

OOE-000141

SOFCO001175

GRIEVANCE FORM

2-90

NAME OF STEWARD OR BUSINESS REPRESENTATIVE Justin Gabbard

CONTRACTOR Sofco Erectors, Inc. DATE 1/26/2017

MEMBER'S NAME _____ LOCATION OF JOB Hetzel St., Cincinnati

MEMBER'S ADDRESS 3860 Town Blvd., Franklin OH 45005 MEMBERS HOME PHONE INCLUDING AREA CODE 937-806-0406

AGENT COVERING JOB Justin Gabbard DISTRICT NO. 4/5

STATEMENT OF FACTS:

SOFCO ERECTORS, INC HAS ASSIGNED SOMEONE OTHER THAN AN OPERATING ENGINEER ON TWO (2) FORKLIFTS BEGINNING ON JANUARY 24, 2017 AT THE HOTEL PROJECT ON HETZEL ST., CINCINNATI.

RESOLUTION SOUGHT: THE EMPLOYER'S PENALTY SHALL BE TO PAY THE FIRST QUALIFIED REGISTERED APPLICANTS IN THE DISTRICT 4/5 REFERRAL THE APPLICABLE WAGES AND FRINGE BENEFITS FROM THE FIRST DAY OF VIOLATION UNTIL PROJECT COMPLETION.

WHICH AGREEMENT HERE AFFECTED AGC of Ohio Building Agreement
(Highway, Sewer, Building, Pipeline, Etc.) May 8, 2013 through April 30, 2017

WHICH ARTICLE OF AGREEMENT AFFECTED ARTICLE II, PARA. 22
SCHEDULE III, GROUP C

DISPOSITION & DATE STEP 1: BUSINESS REPRESENTATIVE JUSTIN GABBARD MET WITH FOREMAN HERB MCFARLAND ON 1/24/2017.

NO DISPOSITION. Justin Gabbard met with Foreman Herb McFarland on 1-27-17
DISPOSITION & DATE STEP 2: 90 (violation) at job site. Justin Gabbard met with Foreman on 1-27-17

Form No 2

SOFCO001176

From Jackson L

PRODUCED BY

OPERATIONS

7/18

Summary
Sofco Erectors, Inc
1/24/2017

January 24, 2017

On a routine job site visit, Sofco Erectors is working at Hetzel St., in Cincinnati. I found two (2) forklifts being operated by someone other than an Operating Engineer. I spoke with the foreman, Herb McFarland, and he told me that he had to get with the company to see what they were going to do. No resolution.

January 26, 2017

I returned to the job site, and found that someone other than an Operating Engineer was still running the forklifts.

January 27, 2017

Step 2. Business Representative Justin Gabbard, and District Representative Jeff Powell met with foreman Herb McFarland, on the job site, to present grievance. No resolution. Both forklifts were still in operation with someone other than an Operating Engineer.

January 31, 2017

Called Jim Fondorf, and left a message.

February 1, 2017

Called Jim Fondorf, and left a message.

February 2, 2017

Called Jim Fondorf. Spoke with Fondorf but said to speak with John Hesford.

February 2, 2017

Called, and spoke with John Hesford regarding grievance. Hesford said he would get back with me.

February 7, 2017

Called John Hesford. Left a message.

John Hesford returned my call, and set up meeting.

Business Representative Justin Gabbard, and District Representative Jeff Powell met company representative John Hesford, with no resolution. Hesford stated that Sofco is done with the forklifts on this project.

Resolution desired: to pay the first two (2) qualified registered applicants, from the District 4/5 referral, each 80 hours wages, and fringes.

Recommend proceed to Step 2a meeting

55th N reported
37 still running

1 END
1 RT

0-20
2. 2-12

OOE-000142

SOFCO001177

Fax sent by : 19378860408

DISTRICT 4 & 5

08-26-16 03:55p Pg: 1/2



International Union of Operating Engineers
Local 18
3860 Towne Blvd.
Franklin OH 45005
(937) 806-0406 (800) 452-1528 Fax: (937) 806-0408



FAX

From

~~To:~~ Sofco Erectors

To

~~Attn:~~ John Hesford

~~From:~~ Gary Marsh, District Representative

~~Fax:~~ 513-771-5490

~~Pages:~~ 2 Total

~~Re:~~ Grievance

~~Date:~~ August 26, 2016

John,

Please sign at the bottom, and fax back to 937-806-0408.

Thank you,

Gary Marsh

If this fax is not transmitted completely, please call.

SOFCO001178

GRIEVANCE FORM

NAME OF STEWARD OR BUSINESS REPRESENTATIVE Jason Baker

CONTRACTOR Sofco Erectors

MEMBER'S NAME _____

MEMBER'S ADDRESS _____

DATE 7/12/2018

LOCATION OF JOB Byers Road, Miamisburg, OH

MEMBERS HOME PHONE INCLUDING AREA CODE _____

AGENT COVERING JOB Jason Baker

DISTRICT NO. 4/5

STATEMENT OF FACTS: Sofco Erectors has assigned someone other than an operating engineer on forklifts beginning on 7-11-16 at Byers Road, in Miamisburg, Ohio.

RESOLUTION SOUGHT: The employer's penalty shall be to pay the first two qualified registered applicants in the District 4/5 referral the applicable wages and fringe benefits from the first day of violation until project completion.

WHICH AGREEMENT HERE AFFECTED 2013 - 2017 AGC of Ohio Building Agreement

WHICH ARTICLE OF AGREEMENT AFFECTED Article II, Para. 22
Exhibit A Zone II/ Group C

Signature of Steward or Business Representative _____

Signature of Member _____

DISPOSITION & DATE STEP 1: Business Rep. Jason Baker met with foreman Scott Robbin on 7-11-16. No resolution.

DISPOSITION & DATE STEP 2: Business Rep. Jason Baker spoke with John Hesford. No resolution.

met with John Hesford with no resolution. On August 10, 2016 District Representative Gary Marsh met with John Hesford. Company agrees to place work order and hire the first two qualified 1st year apprentices from the referral and pay each a minimum of 24 hours to settle grievance.

Form No 2

Agreed: [Signature] SOFCO001179

By Union

Agreed: [Signature]

By Company

Fax sent by : 19378060408

DISTRICT 4 & 5

08-26-16 03:55p Pg: 1/2



International Union of Operating Engineers
Local 18
3860 Towne Blvd.
Franklin OH 45005
(937) 806-0406 (800) 452-1528 Fax: (937) 806-0408



FAX

From

To: Sofco Erectors

Attn: John Hesford

Fax: 513-771-5490

Re: Grievance

To

From: Gary Marsh, District Representative

Pages: 2 Total

Date: August 26, 2016

John,

Please sign at the bottom, and fax back to 937-806-0408.

Thank you,

Gary Marsh

If this fax is not transmitted completely, please call.

SOFCO001178

GRIEVANCE FORM

NAME OF STEWARD OR
BUSINESS REPRESENTATIVE

Jason Baker

DATE 7/12/2018

CONTRACTOR

Sofco Erectors

LOCATION OF JOB

Byers Road, Miamisburg, OH

MEMBER'S NAME

MEMBERS HOME PHONE INCLUDING
AREA CODE

MEMBER'S ADDRESS

AGENT COVERING JOB

Jason Baker

DISTRICT NO.

4/5

STATEMENT OF FACTS: Sofco Erectors has assigned someone other than an operating engineer on forklifts beginning on 7-11-16 at
Byers Road, in Miamisburg, Ohio.RESOLUTION SOUGHT: The employer's penalty shall be to pay the first two qualified registered applicants in the District 4/5 referral the applicable wages
and fringe benefits from the first day of violation until project completion.WHICH AGREEMENT HERE AFFECTED
(Highway, Sewer, Building, Pipeline, Etc.)

2013 - 2017 AGC of Ohio Building Agreement

WHICH ARTICLE OF AGREEMENT AFFECTED

Article II, Para. 22

Exhibit A Zone III Group C

Signature of Steward or Business Representative

Signature of Member

DISPOSITION & DATE STEP 1: Business Rep. Jason Baker met with foreman Scott Robkin on 7-11-16. No resolution.
Business Rep. Jason Baker spoke with John Hesford. No resolution.

DISPOSITION & DATE STEP 2: On July 22, 2016 District Representative Gary Marsh and Business Representative Jason Baker

met with John Hesford with no resolution. On August 10, 2016 District Representative Gary Marsh met with John
Hesford. Company agrees to place work order and hire the first two qualified 1st year apprentices from the referral
and pay each a minimum of 24 hours to settle grievance.

Form No 2

Agreed: Jason Baker SOFCO001179

By Union

Agreed: John Hesford

By Company

MAR-11-2014 09:48 From:

To: 7612515

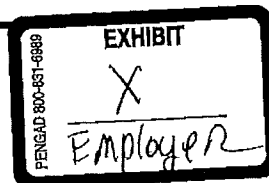
Page: 1/3

FROM LOCAL 18, DISTRICT 3

1188 DUBLIN RD.
COLUMBUS, OH 43215

(614) 486-5281

FAX: (614) 486-7258



TO: Mike Talbert, Field Operations Manager
SOFCO ERECTORS INC
FROM: Chad Creeks, Business Representative
SUBJECT: Grievance
DATE: March 11, 2014
PAGES: 3 including cover

Please review.

Let

SOFCO001186

MAR-11-2014 09:48 From:

To: 7612515

Page: 2/3

GRIEVANCE FORM

NAME OF STEWARD OR BUSINESS REPRESENTATIVE Chad C. Creeks DATE March 11, 2014

CONTRACTOR SOFCO Erectors LOCATION OF JOB Delaware County Powell, Ohio

MEMBER'S NAME Chad C. Creeks MEMBER'S HOME PHONE INCLUDING AREA CODE 614-486-5281

MEMBER'S ADDRESS 1188 Dublin Road Columbus OH 43215 AGENT COVERING JOB Chad C. Creeks

DISTRICT NO 3

STATEMENT OF FACTS:

During a routine job site visit on March 6, 2014 I discovered SOFCO Erectors, Inc. has breached the AGC Building Agreement by assigning someone other than an Operating Engineer on a forklift at the Target Store construction project in Powell, Ohio on Sawmill Road.

RESOLUTION SOUGHT:

As a result the employer has agreed to pay the first qualified registered applicant from the IUOE District 3 Referral the applicable wages and fringes from the first day of the violation.

WHICH AGREEMENT HERE AFFECTED AGC Building Agreement
(Highway, Sewer, Building, Pipeline, etc.)

W.C. Creeks
Signature of Steward or Business Representative

WHICH ARTICLE OF AGREEMENT AFFECTED Article II, Paragraph 20 & 22

W.C. Creeks
Signature of Member

DISPOSITION AND DATE STEP 1:

3/6/2014 Spoke to foreman Alvin Raber.

No resolution.

3/7/2014 Left voice mail for Mike Talbert, Field Operations Manager.

No resolution.

DISPOSITION AND DATE STEP 2:

3/11/14 CHAD CREEKS CAME TO SOFCO OFFICE - 4:30 PM

SOFCO001187

3/13/14 CHAD CREEKS AND THOMAS BYERS CAME TO SOFCO OFFICE - WANTED PAYMENT FOR FORK LIFT & FRINGES

SHOULD 3/6/14 WAS ANNOYING PUTTING SOMEONE TO WORK. NO RESOLUTION



International Union of Operating Engineers

LOCAL 18 AND ITS BRANCHES • SERVING OHIO
ELEVEN EIGHTY-EIGHT DUBLIN ROAD • COLUMBUS, OHIO 43216-7006
(614) 486-5281 FAX: (614) 486-7258

Office of
District No. 3

March 24, 2014

Settlement Letter

Sofco Erectors and the International Union of Operating Engineers, Local 18 agree to the following settlement for the grievance dated March 11, 2014.

Sofco Erectors agrees to hire an apprentice from the I.U.O.E. Local 18, District 3 referral for operation of forklifts. It is also agreed that the apprentice will perform other duties as prescribed in the AGC of Ohio Building Agreement, paragraph 79B.

Chad C. Creeks
Business Representative, IUOE Local 18

Dan Powell
Sofco Erectors, President /COO

SOF0001188

GRIEVANCE FORM

NAME OF STEWARD OR
BUSINESS REPRESENTATIVE STANLEY BRUBAKERDATE 6/25/13CONTRACTOR SOFCO ERECTORS INC.LOCATION OF JOB MIAMI UNIVERSITY

MEMBER'S NAME _____

MEMBER'S HOME PHONE INCLUDING _____

MEMBER'S ADDRESS _____

AREA CODE _____

AGENT COVERING JOB STANLEY BRUBAKERDISTRICT NO. 4

STATEMENT OF FACTS BREACH OF CONTRACT, SOFCO ERECTORS INC. IS NOT ABIDING BY THE TERMS AND CONDITIONS OF THE
AGC OF OHIO BUILDING AGREEMENT, MAY 8, 2013 THROUGH APRIL 30, 2017, ARTICLE II PARA. 22 AS IT RELATES TO
FORKLIFTS.

RESOLUTION: COMPANY TO PLACE WORK ORDER AND PAY THE FIRST QUALIFIED REGISTERED APPLICANT FROM THE REFERRAL ALL
APPLICABLE WAGES AND FRINGE BENEFITS FROM THE FIRST DAY OF VIOLATION.

WHICH AGREEMENT HERE AFFECTED AGC OHIO BUILDING AGREEMENT
 (Highway, Sewer, Building, Pipeline, etc.)

WHICH ARTICLE OF AGREEMENT AFFECTED ARTICLE II, PARA. 22

DISPOSITION AND DATE STEP 1: ON 6/24/13 B.A. STAN BRUBAKER SPOKE WITH FOREMAN PETE LEONARD; NO RESOLUTION.

DISPOSITION AND DATE STEP 2: ON 6/25/13 WROTE UP GRIEVANCE AND FAX TO COMPANY.

10-11-13 Company agreed to place work order and pay first qualified applicant for the second 20 hour wage
and agreed to settle grievance. ADDED TO 84

Form No. 2

PENGAD 800-631-6889

EXHIBIT

Y
Employee

Employer
EXHIBIT EE

Date: 11.2.2018

CONSTRUCTION SITE JURISDICTIONAL AGREEMENT BETWEEN
INTERNATIONAL UNION OF OPERATING ENGINEERS
and

INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL AND ORNAMENTAL IRON WORKERS

The undersigned Committees of the International Union of Operating Engineers and the International Association of Bridge, Structural and Ornamental Iron Workers have held numerous meetings and have consummated the following agreement to settle jurisdictional disputes between the two organizations on construction sites.

It is the purpose of this agreement to further improve the relationship between our respective trades, to settle jurisdictional disputes directly, to protect each other's proper jurisdiction from encroachment by others, and to mutually assist each other in organizing the unorganized.

This agreement shall not relate to nor have any bearing upon jurisdictional disputes that may now exist, or in the future arise, between either of these organizations with any other national or international union or subordinate body.

The respective Committees shall be continued and shall meet at least twice a year at a place and date determined by mutual agreement of the respective General Presidents.

If a jurisdictional dispute cannot be settled locally, or a question of interpretation arises as to the meaning or intent of this agreement, it shall be referred immediately to the respective General Presidents or their designees for an answer. There shall be no work stoppages pending settlement. It is agreed that all decisions and agreements between the two International Unions shall be considered operative and effective by each International Union except as clarified in this Memorandum of Agreement.

I - FORKLIFTS

The operation of forklifts shall be the work of Operating Engineers. Rigging in connection with the forklifts shall be the work of the Iron Workers.

II - SIGNALLING - HIGHLINES, CRANES AND DERRICKS

Such duties required to initiate and/or relay signals by mechanical, electronic or electrical means, including hand signals, or paddles, directly to the Operator of the above referred to construction equipment is the work of the Iron Workers. The servicing and inspection of highlines is the work of the Iron Workers. The foregoing does not apply to excavation work.

III - BRIDGE CRANES, DERRICKS AND DERRICK BARGES

a) Bridge Cranes - The operation of bridge cranes in fabrication shops established at construction sites is the work of the Operating Engineers.

b) Derricks - The operation of power equipment including agitated swing adapters on derricks shall be the work of Operating Engineers. Other types of swinging operations shall be performed by the Iron Workers. The erection thereof shall be the work of the Iron Workers.

c) Derrick Barges - The operation of deck engines on derrick barges shall be the work of the Operating Engineers.

IV - ROCK, SAND AND GRAVEL PLANTS (Construction Jobsites)

Fabrication of structural steel framework, the assembly, setting and erection thereon of bins, hoppers, rigging of crusher components, shaker screens, pre-assembled conveyor sections and steel ladders will be performed by a composite crew. This is with the exception that erection of structural steel framework and all

rigging work shall be the work of the Iron Workers, and all mechanical work shall be the work of the Operating Engineers.

V - DISMANTLING AND LOADING OUT OF CONVEYORS
AGGREGATE PLANTS, BATCH PLANTS, CABLE WAYS,
REFRIGERATION PLANTS, ETC.

a) Handling of steel which includes burning off nuts and knocking out bolts shall be done by Iron Workers.

1) The Engineers will remove all rollers, disconnecting and dismantling mechanical equipment such as compressors, refrigeration units and power equipment connected thereon, and all rigging in connection with the above shall be the work of the Iron Workers.

b) The operation and servicing of the power equipment is recognized as the work of the Operating Engineers.

VI - PUMPS, COMPRESSORS, GENERATORS
AND WELDING MACHINES

The operation, servicing and maintenance of pumps, compressors, generators, and welding machines (gasoline or diesel driven) shall be the work of the Operating Engineers.

VII - HIGHWAY TYPE (PORTABLE) BATCH
PLANT, HOT PLANT AND ROCK PLANTS

The assembly and disassembly of the above type plants shall be the work of the Operating Engineers.

VIII - ERECTION AND DISMANTLING MONIGAN WALKING DRAGLINE,
LAUNCHHAMMER BUCKET WHEEL EXCAVATOR AND SIMILAR
TYPE EQUIPMENT, EXCLUDING TRENCHING MACHINES

It is understood and agreed that the erection and dismantling of Monigan Walking Dragline, Launchhammer Bucket Wheel Excavator, and similar type equipment, excluding trenching machines, shall be performed by a composite crew, fifty-fifty of Iron Workers and Operating Engineers.

4.

IX - HIGHWAY AND EARTHMOVING PROJECTS

The unloading, loading out, assembly, disassembly and all other modifications, including boom changes and modifications on equipment coming within the jurisdiction of the International Union of Operating Engineers, shall be performed by members of the Operating Engineers.

X - CRANES USED ON STRUCTURAL STEEL ERECTION

Cranes used on structural steel erection where Iron Workers are to be working with power equipment in the erection of structural steel - the unloading, attaching, lengthening, shortening and dismantling or changing of booms and counterweights, the reeving of cables in topping lift, boom or jib for cranes used in connection with such work shall be performed by the Iron Workers plus the Operating Engineers who have been assigned to the crane.

It is understood if a crane is shipped and arrives on the project partially or completely disassembled, the Iron Workers will unload and rig the components into their proper position:

All mechanical adjustments of the parts of this operation such as take-ups, leveling and aligning of motor base, or bed plate, proper adjustment to the cats will be performed by the Operating Engineers who have been assigned to the crane and at least one heavy duty mechanic.

Unloading or loading out of such power equipment will be performed by the same crew.

XI - WORK ON ALL BUILDING, PRE-CAST CONCRETE
AND INDUSTRIAL CONSTRUCTION, EXCLUDING
STEEL ERECTION

On all building, pre-cast concrete and industrial construction, such as chemical plants, power houses, steel mills, refineries, etc., other than steel erection operations, on all multi-purpose cranes on which an Iron Workers' crew will be assigned to, it for their rigging operations by the contractor, the work shall be performed in the following manner and does not pertain to shop or mechanical yards on major construction projects where the Operating Engineers have established shops or mechanical yards.

1. Unloading of multi-purpose cranes shall be performed in the following manner:

Iron Workers shall perform necessary rigging and Operating Engineers shall perform all assembly, except as outlined below.

2. Loading out of multi-purpose cranes shall be performed in the opposite manner to the unloading operation;

i.e., power rigging by Iron Workers and disassembly shall be performed by Operating Engineers. The loading and unloading operation will be under the supervision of the Master Mechanic.

3. Boom modifications will be performed in the following manner:

a) When rig is working with Iron Workers all modifications will be performed by a composite crew of Iron Workers and Operating Engineers. What is meant by a composite crew of Operating Engineers

6.

is an Engineer and Oiler who have been assigned to said rig. What is meant by a composite crew of Iron Workers is the number required to perform said modifications in a safe and expeditious manner.

- b) It is assumed that when another craft is assigned a rig or crane that the Operating Engineers will perform all boom modifications.

It is understood that if additional help is needed, Iron Workers will be called upon to assist.

It is agreed that all work in connection with booms will be performed as outlined above.

XII - TOWER CRANES AND SURVEY WORK

With respect to erection of tower cranes and survey work, these matters were thoroughly discussed. The respective Committees decided to defer action pending further studies.

INTERNATIONAL UNION OF
OPERATING ENGINEERS

INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL AND ORNAMENTAL IRON WORKERS

HUNTER P. WHARTON
GENERAL PRESIDENT

JOHN H. LYONS, GENERAL PRESIDENT

Russell T. Conlon
Russell T. Conlon, Chairman

John L. McCarthy
John L. McCarthy, Chairman

Howard R. Dalton
Howard R. Dalton

Dale Ray
Dale Ray

Frank Hanley
Frank Hanley

Leonard P. Mahoney
Leonard P. Mahoney

August 19, 1970

OOB-000567